19 41 **File No.** University II/

Legal DEPARTMENT
B BRANCH

Subject:

Rules and Notifications
under the
Bombay University Act,
1928

File No. University II/41
Std. Sectt. Slip 24 B o.

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The amendments passed by the Senate(pp.3-21 ante) are legally free from objection.

2. Statute 165 provides for the procedure to be followed in the case of elections to the Senate by the local bodies mentioned in section 13 II A(IV) (a) to (e) . A different procedure is prescribed in the case of elections by other public associations and bodies mentioned in sections 13 II A(IV) (a) to (e). The reason for makingthe distinction is not clear. E.D. may consider whether this point should be brought to the notice of the University.

3. As regards the changes suggested by the Director of Public Instruction, the view taken by Secretary, E.D. that under section 34 of the Bombay University Act,1928, the Chancellor can either sanction or reject statutes but he cannot sanction them subject to any further amendments is correct. In this case, therefore, it will not be possible for the Chancellor to sanction the statutes subject to any changes as are suggested by the Director of Public Instruction. It will however be open to the Chancellor to suggest amendments before according sanction.

4. The changes suggested by the Director of Public Instruction, although desirable, are not quite necessary. In statute 126, the word "fellow" from its context, will always be understood to mean a college fellow and not a fellow as defined in section 3(b) of the Act. In Statute 138, as pointed out by Secretary, E.D. in view of the words "subject to the provisions of section 13" only persons duly qualified to be elected will be entitled to be nominated.

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Remembrancer of Legal Affairs.

U.R.to the E.D., No. 3979 dated the 2nd May 1941.

DYR.